

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

RODRIQUE BRADLEY

CIVIL ACTION NO. 15-1849-P

VERSUS

JUDGE S. MAURICE HICKS

WARDEN NATHAN B. CAIN

MAGISTRATE JUDGE HAYES

JUDGMENT

Before the Court is petitioner Rodrique Bradley's Section 2254 petition for writ of *habeas corpus*. See Record Document 1. On July 20, 2015, the Magistrate Judge issued a Report and Recommendation recommending that petitioner's petition be dismissed with prejudice as time-barred. See Record Document 2. Petitioner objected and his main argument focused on the retroactivity of Alleyne v. United States, — U.S. —, 133 S.Ct. 2151 (2013). This Court agrees with the Magistrate Judge's finding that "the Fifth Circuit Court of Appeals has made it abundantly clear that *Alleyne* is NOT RETROACTIVE." Record Document 2 at 5. The Fifth Circuit has clearly "held that Alleyne does not apply retroactively to cases on collateral review." U.S. v. Olvera, 775 F.3d 726, 730 (5th Cir. 2015).

Accordingly, for the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein, and after an independent review of the record including the objections (Record Document 3) filed by petitioner, and having determined that the findings and recommendation are correct under the applicable law;

IT IS ORDERED that this petition for writ of *habeas corpus* (28 U.S.C. § 2254) be and is hereby **DISMISSED WITH PREJUDICE** as time-barred by the provisions of 28 U.S.C. §2244(d).

Rule 11 of the Rules Governing Section 2254 Proceedings for the U.S. District Courts requires the district court to issue or deny a certificate of appealability when it enters a final order adverse to the applicant. The court, after considering the record in this case and the standard set forth in 28 U.S.C. Section 2253, denies a certificate of appealability because the applicant has not made a substantial showing of the denial of a constitutional right.

THUS DONE AND SIGNED, in chambers, in Shreveport, Louisiana, on this 17th day of August, 2015.



S. MAURICE HICKS, JR.
UNITED STATES DISTRICT JUDGE